

Amendment No. 1 to SB0783

Johnson  
Signature of Sponsor

**AMEND Senate Bill No. 783**

**House Bill No. 639\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-7-218, is amended by deleting the section in its entirety and substituting instead the following:

"Base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year; provided, that if the first quarter of the last five (5) completed calendar quarters was included in the base period applicable to any individual's previous benefit year, the individual's base period shall be the last four (4) completed calendar quarters. For the purposes of establishing a base period in cases involving persons receiving workers' compensation benefits for temporary total disability, the department shall exclude periods of such disability from the base period and determine the base period from the last four (4) completed quarters of work before any such disability.

SECTION 2. Tennessee Code Annotated, Section 50-7-301, is amended by deleting subsection (e).

SECTION 3. Tennessee Code Annotated, Section 50-7-303(b)(3), is amended by adding the following new subdivision (C) and redesignating existing subdivisions accordingly:

(C) "Misconduct" also includes any conduct constituting a criminal offense for which the claimant has been convicted or charged that:

- (i) Involves dishonesty arising out of the claimant's employment; or
- (ii) Was committed while the claimant was acting within the scope of employment;

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SECTION 4. Tennessee Code Annotated, Section 50-7-304(b)(1)(C), is amended by adding the following language at the end of the subdivision:

There shall be no one (1) year limitation on the agency representative reconsidering a decision if a claimant is subsequently convicted of a misdemeanor or felony that caused the separation from the employer; provided, however, the employer gives notification of the conviction in a reasonable time to the agency. Any overpayment created as a result of a reconsideration because a claimant is subsequently convicted of a misdemeanor or felony that cause the separation from the employer shall be determined to be fraud and the administrator shall not waive repayment of the overpaid amounts.

SECTION 5. Tennessee Code Annotated, Section 50-7-304(d), is amended by adding the following language at the end of the subsection:

The department shall hold annual training for all unemployment hearing officers. Such training shall include updates on any new laws or regulations involving employment security law enacted by the state or federal government.

SECTION 6. Tennessee Code Annotated, Section 50-7-302(a)(4), is amended by deleting subdivision (F) and redesignating existing subdivisions accordingly.

SECTION 7. Tennessee Code Annotated, Section 50-7-302(a)(4), is amended by deleting the language "one thousand (1,000)" and substituting instead the language "one thousand five hundred (1,500)".

SECTION 8. Notwithstanding any other provision of law to the contrary, any provision of this act shall not apply to the extent that compliance with such provision would violate federal law or cause a loss of federal funding.

SECTION 9. This act shall take effect July 1, 2013, the public welfare requiring it.